

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3368 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

BHARUBHA JHALUBHA

Versus

D.S.P

Appearance:

MR ANANT S DAVE for Petitioner

MR SP HASURKAR with MS MANISHA LAVKUMAR for
Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 11/08/2000

ORAL JUDGEMENT

1. Challenge has been made by this petition under Article 226 of the Constitution to the order of the respondent No.1 dated 2-6-1988 passed under Rule 152 of the Bombay Civil Services Rules, 1959 adjusting the

suspension period of the petitioner.

2. The petitioner was suspended as a criminal case was there against him . In the criminal case he has been acquitted and thereafter this order has been passed under which he was not given all the benefits of services for the suspension period. Hence, this special civil application in the Court.

3. One of the contentions raised by the learned counsel for the petitioner is that this order has been passed by the respondent No.1 without giving any notice and an opportunity of hearing to the petitioner.

4. This factual position has not been controverted by the counsel for the respondents, as a result of which, this petition succeeds only on this ground and accordingly it is allowed and the order dated 2-6-1988, annexure 'A' is quashed and set aside and the matter is sent back to the respondent No.1 to pass fresh order after hearing the petitioner in accordance with law. Rule is made absolute accordingly with no order as to costs.

zgs/-